



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

In Re:

TEREX
106 12TH STREET SE
WAVERLY, IA 50677

Waverly 2014 and 2015 Form R

NOTICE OF DETERMINATION

Pursuant to the Policy on Incentives for Self-Policing (Audit Policy), 65 Fed. Reg. 19618 (April 11, 2000), the U.S. Environmental Protection Agency (EPA) hereby issues this Notice of Determination (NOD) regarding violations disclosed to EPA by TEREX for the following facility:

Terex Usa Llc
106 12Th Street Southeast
Waverly, IA 50677-4200

I. Preliminary Statement

As an incentive for regulated entities to disclose violations that they discover, EPA may eliminate the gravity-based component of civil penalties, and waive any insignificant economic benefit component, where the voluntarily disclosed violations meet the conditions specified in the Audit Policy. EPA's streamlined implementation of this self-disclosure policy provides for self-disclosed violations to be submitted and processed through its "eDisclosure" online system. The disclosing entity referenced above disclosed the violations described herein through the eDisclosure system.

II. Determination

Based on the information certified and attested to on 8/17/2017 by TEREX in EPA's online eDisclosure system, this NOD resolves the above-named entity's civil penalty liability for the following violations with no assessment of a civil penalty:

Emergency Planning and Community Right-to-Know Act (EPCRA): Toxic Chemical Release Reporting (TRI) (313)

- Reporting Year: 2015
- Chemical: MANGANESE (7439-96-5)
- Chemical: NICKEL (7440-02-0)
- Chemical: CHROMIUM (7440-47-3)
- Reporting Year: 2014
- Chemical: MANGANESE (7439-96-5)
- Chemical: NICKEL (7440-02-0)
- Chemical: CHROMIUM (7440-47-3)

III. Reservation of Rights

This NOD is conditioned upon the accuracy and completeness of the information submitted to EPA by the discloser. If any information or statement provided to EPA was materially false or inaccurate, EPA reserves the right to assess penalties for any violation described herein.

Nothing herein shall be construed to limit the authority of EPA and/or the United States to undertake action against any person, including TEREX, except as expressly provided in Part II (Determination) For example, issuance of this NOD does not constitute a waiver by EPA and/or the United States of its right to bring a civil or criminal enforcement action against TEREX for other violations of federally enforceable requirements, or to respond to an imminent and substantial endangerment to health, welfare, or the environment.

Effective Date: 8/17/2017

/s/

Director, Office of Civil Enforcement

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